

ENTERED

June 23, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISIONIN THE MATTER OF THE COMPLAINT §
AND PETITION OF TED & IRMA §
HENDERSON, AS OWNERS OF THE O- §
DAY SAILBOAT "SEA DREAMS" AND §
ITS ENGINE, TACKLE, AND GEAR FOR §
EXONERATION OR LIMITATION OF §
LIABILITY §
§

CIVIL ACTION NO. 3:16-CV-131

ADMIRALTY**ORDER APPROVING AD INTERIM STIPULATION OF VALUE, DIRECTING
ISSUANCE OF MONITION AND INJUNCTION**

A Complaint and Petition having been filed herein on May 13, 2016, by TED AND IRMA HENDERSON ("Petitioners") as Owner of the O-Day Sailboat "SEA DREAMS" (the "Vessel"), for exoneration from and/or limitation of liability as provided for in the Act of Congress embodied in 46 U.S.C. §§ 30501 *et seq.* and pursuant to Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, together with the statutes supplemental thereto and amendatory thereof, and also contesting its liability independently of the limitation of liability claims under said Acts, Treaty or Code for any loss, damages, deaths, personal injuries, damage or destruction of property or other occurrences arising from the incident which occurred on or about May 9, 2015, on the navigable waterways of Galveston Bay as further described in the Petition for Limitation, and said Complaint also stating the alleged facts and circumstances on which such exoneration from or limitation of liability is claimed;

And Petitioners having deposited with the Court as security for the benefit of Claims, an Ad Interim Stipulation of Value not less than or equal to the amount or value of its interest in the Vessel, as required by the rules of this Court and by the law;

IT IS ORDERED AND ADJUDGED that the Ad Interim Stipulation for the value of Petitioners' interest in the Vessel, for no more than the amount of \$29,500 including costs of court and interest at the rate of six percent (6%) per annum from date hereof, and filed herein by

Petitioners, be accepted as Ad Interim Stipulation for the purpose of this action and that it be approved as to form and quantum.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioners and any Claimant who may properly become a party hereto may contest the amount of value of Petitioners' interest in the Vessel as fixed in said Ad Interim Stipulation, subject to such increases or decreases in the amount of such Stipulation, together with adequate security, as the Court may from time to time order according to the rules and practices of this Court may adjudge.

IT IS FURTHER ORDERED AND ADJUDGED that if the amount of the Ad Interim Stipulation is not contested by any Claimant herein, said Stipulation shall stand as a Stipulation for Value and an appraisal by a Commissioner will not be required.


NOW, THEREFORE, it is **ORDERED** that a Monition issue out of and under the seal of this Court against all persons or corporations claiming damage for any and all loss, destruction, damage, injuries, and/or death allegedly as a result of the occurrences and happenings recited in the Complaint, to file their respective claims with the Clerk of this Court and to serve on or mail copies thereof to the Attorney-In-Charge for the Petitioners at the address: Jamie P. Cooper, c/o Martin, Disiere, Jefferson & Wisdom, L.L.P., 808 Travis Street, 20th Floor, Houston, Texas 77002, on or before **July 24, 2016** and that all persons or corporations so presenting claims and desiring to contest the allegations of the Complaint shall file an answer to the Complaint in this Court and shall serve on or mail to the attorneys for the Petitioners copies thereof, or be defaulted.

IT IS FURTHER ORDERED that a public Notice of said Monition, **in the form attached to this Order, be published by Petitioners' attorneys**, as required by Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, once each week for four successive weeks in the "The Galveston County Daily News," a newspaper published in the City of Galveston, and within the Southern District of Texas, prior to the date fixed for the filing of claims in accordance with Supplemental Rule F and that not later than the date of the second weekly publication, a copy of said notice to be mailed by Petitioners to every person or corporation known by the Petitioners to have a claim against Petitioners arising out of the accident set forth in the Complaint.

IT IS FURTHER ORDERED that the commencement or further prosecution of any action, suit or proceeding in any court whatsoever, and the institution and prosecution of any suits, actions or legal proceedings, of any nature or description whatsoever, in any court whatsoever, except in these proceedings, in respect to any claim arising out of, or connected with the casualty set forth in the Complaint herein, be and the same are hereby **STAYED AND RESTRAINED** until the final determination of this proceeding.

IT IS FINALLY ORDERED that the service of this Order as a Restraining Order in the Southern District of Texas may be made in the usual manner as any other district of the United States by delivery by the Marshal of the United States for such District of a certified copy of this Order on the person or persons to be restrained or to their respective attorneys, or alternatively, by mailing a conformed copy of it to the person or persons to be restrained or to their respective attorney.

DONE AND ORDERED at Galveston, Texas on June 22 2016.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE